

IN THE DRAWINGS:

The enclosed four (4) sheets of new drawings are submitted for consideration by the Examiner. No new matter has been added.

REMARKS

The objection to the drawings is obviated in part by appropriate amendment, and traversed in part.

With regard to the claim limitation in claim 13 that the second holding member constitutes or comprises a material with an opening (22) that has a diameter marginally larger than the diameter of the end of the baton that said second holding member (10) is intended to encircle, it is submitted that Fig. 5 clearly shows this limitation. Accordingly, no amendment of the drawings should be required.

The Applicant has canceled claim 15 with respect to the strap, opening, and short extending bar.

New drawing sheets depicting Figs. 6-8 are submitted herewith.

Figure 6 shows the first and second support members attached to a rigid support and to a user's leg (claim 22).

Figure 7 shows the baton holder forming an integral part of a user's garment (claim 23).

Figure 8 shows a strap and bracket manufactured as one piece (claim 17).

Figure 9 shows the first and second supports members on either side a belt buckle (claim 21).

Applicant has made a good faith effort to address all of the issues raised by the Examiner with respect to the drawings.

Favourable reconsideration of the objection to the drawings is thus respectfully urged.

The rejection of claims 15, 17, and 22-24 under 35 U.S.C. 112, first paragraph, is respectfully traversed.

Applicants respectfully submit that the specification is enabling for claims 15, 17, and 22-24.

Support for a locking device is found in Fig. 5 (7,8), in original claim 1, and on page 5, line 5 of the specification.

Support for the holding member and bracket being made from a homogenous piece is found in original claim 5 and on page 6, lines 20-21, of the specification.

Support for claims 22 is found on page 2, line 11, of the specification.

Support for claims 23-24 is found on page 2, lines 13-15, of the specification.

It is respectfully submitted that such information would provide guidance to those of ordinary skill in the art to enable them to practice the claimed invention without undue experimentation.

Moreover, the burden is on the Patent Office to provide reasons and/or examples in support of their belief that the presumptively enabling disclosure does not support the claimed invention.

In view of the above, the Applicant submits that the enablement requirement has been met in this application. Accordingly, the rejection under 35 U.S.C. 112, first paragraph, is unsustainable and should be withdrawn.

The rejection of claims 13-25 under 35 U.S.C. 112, second paragraph, is obviated by appropriate amendment. Applicant submits that the present claims are clear and concise to a person of ordinary skill in the art. Accordingly, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully urged.

The rejection of claims 13, 14, 16, 19-21, 23, and 25 under 35 U.S.C §102 (a) as being anticipated by Parsons et al. (US 4,955,518) is respectfully traversed.

In Parsons et al., the upper retaining ring 10 and lower retaining ring 11 are fixedly attached to base member 3 by means of a staple 16 (col. 3, lines 37-40).

In contrast, the present invention requires that the distance between the first 1 and second 10 holding members is adjustable with respect to their position relative to the baton. This limitation is not disclosed or suggested by Parsons et al.

Accordingly, since Parsons et al. fails to disclose or suggest every limitation of claim 13, and claims 14-25 which all depend directly or indirectly from claim 13, the rejection under 35 U.S.C. 102(b) is unsustainable and should be withdrawn.

The rejections of claims 15, 17, 18, 22, 23, and 24 under 35 USC 103(a) as being unpatentable over Parsons et al. in various combinations with the Audley (US 710,236), Nivet (US 3,954,238), Wickersham (US 4,871,102), are also respectfully traversed.

None of the prior art documents relied on by the Patent Office, either alone or taken in combination, disclose or suggest the invention of the claims.

Specifically, none of the prior art documents teach or suggest the claim limitation that the distance between the first and second holding members is adjustable, as required by claim 13 and claims 14-25 which are dependent thereon.

Accordingly, since the Patent Office has not shown that each and every element of the claimed invention is disclosed in or suggested by the references relied on, a *prima facie* case of obviousness has not been established. The rejections of claims under 35 U.S.C. 103(a) is unsustainable and should be withdrawn.

With regard to the election of species requirement, Applicant hereby elects the following:

From Set 1: Group I (the holder attached to a belt), claims 13-25 being readable thereon.

From Set 2: Group b (bracket with a snap fastener), claim 14 being readable thereon.

From Set 3: Group 1 (homogenous piece), claim 17 being readable thereon.

Applicant understands that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim, as provided by 37

C.F.R. 1.141.

Applicant submits that the application is now in condition for allowance, and an early notice to that effect is earnestly solicited. If any issues remain that can be clarified by telephone, Examiner Mai is encouraged to contact Applicant's Representative at the number indicated below.

Applicant hereby petitions the Commissioner for Patents to extend the time for reply to the notice dated February 22, 2006, for three (3) months from May 22, 2006, to August 22, 2006. A duly completed credit card authorization form is attached to effect payment of the extension fee.

Respectfully submitted,
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Date: August 22, 2006